

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

Devin G. Nunes,)	Case No. 5:19-cv-04064-CJW-MAR
)	
Plaintiff,)	
)	
v.)	
)	
Ryan Lizza and Hearst Magazine Media,)	
Inc.,)	
)	
Defendants.)	
)	
)	

NuStar Farms, LLC, Anthony Nunes, Jr.,)	Case No. 5:20-cv-04003-CJW-MAR
and Anthony Nunes, III,)	
)	
Plaintiffs,)	
)	
v.)	
)	
Ryan Lizza and Hearst Magazine Media,)	
Inc.,)	
)	
Defendants.)	
)	

**Declaration of Nathaniel S. Boyer in Support of
Defendants' Motion to Preclude Plaintiffs from Relying on Belatedly Disclosed Witnesses**

I, **NATHANIEL S. BOYER**, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney with the Hearst Corporation. I am a counsel of record for Defendants in this matter. I make this declaration of personal knowledge and if called as a witness I could and would testify competently to the facts stated herein.

2. Annexed hereto as **Exhibit A** is a true and correct copy of Plaintiff Devin Nunes ("Nunes")'s Rule 26(a)(1) Disclosures, which I received by email on January 13, 2020.

3. Plaintiffs NuStar Farms, LLC (“NuStar”), Anthony Nunes, Jr. (“Anthony Jr.”), and Anthony Nunes, III (“Anthony III,” together with NuStar and Anthony Jr., the “NuStar Plaintiffs”) served initial disclosures on April 14, 2020, and supplemental and amended initial disclosures on July 29, 2021. None of the 29 persons who are the subject of this motion were identified in those disclosures.

4. Annexed hereto as **Exhibit B** is a true and correct copy of Nunes’s and the NuStar Plaintiffs’ (together, “Plaintiffs”) Amended and Supplemental Rule 26(a)(1) Disclosures, which I received by email on August 25, 2022. Defendants have redacted from this document information that would identify Mr. Lizza’s sources, which Defendants have designated as Counsel’s Eyes Only in this case.

5. Annexed hereto as **Exhibit C** is a true and correct copy of a document entitled “Plaintiffs’ Second Amended and Supplemental Rule 26(a)(1) Disclosures,” which I received by email on August 26, 2022.

6. Annexed hereto as **Exhibit D** is a true and correct copy of an August 31, 2022 email from Plaintiffs’ counsel, Steven Biss, to Defendants’ counsel.

7. Annexed hereto as **Exhibit E** is a true and correct copy of a document entitled “Plaintiffs’ Supplement to Rule 26(A)(1)(i) Disclosures,” which I received by email on September 1, 2022. That was the Thursday before Labor Day weekend. That weekend and the following week, Defendants’ counsel spent substantial time preparing for, traveling to, and taking Plaintiff Nunes’s deposition, which took place in Visalia, California, on September 9, 2022. After that, Defendants’ counsel spent substantial time preparing for, traveling to, and defending the deposition of Ryan Lizza, which took place in Washington, D.C., on September 14, 2022.

8. Annexed hereto as **Exhibit F** is a true and correct copy of the transcript of the September 9, 2022 deposition of Plaintiff Nunes. Defendants have redacted from this document testimony that references spurious allegations that the Court has held Plaintiffs may not file with the Court without first obtaining leave to do so. *See* Case No. 5:20-cv-04003-CJW-MAR, ECF No. 50, at 41.

9. Annexed hereto as **Exhibit G** is a true and correct copy of screenshots of the following webpages: <https://www.treygowdy.com/new-page-1> (the “Contact” page on the website for former Rep. Trey Gowdy (R-SC)), and <https://john-ratcliffe.com/contact/> (the “Contact” page on the website for former Rep. and former DNI John Ratcliffe (R-TX)). I created these screenshots upon viewing the webpages on October 6, 2022.

10. I have reviewed the websites of the other persons listed in the Second Amended Disclosures, *see* Exhibit E, and they include only general numbers for their Congressional offices, not direct contact information for the witnesses. *See* <https://feenstra.house.gov/> (Rep. Randy Feenstra (R-IA), listing telephone number for office in House Office Building and district offices); <https://jordan.house.gov/> (Rep. Jim Jordan (R-OH), same); <https://lahood.house.gov/offices> (Rep. Darin LaHood (R-IL), same); <https://kevinmccarthy.house.gov/> (Rep. Kevin McCarthy (R-CA), same); <https://scalise.house.gov/> (Rep. Steve Scalise (R-LA), same); <https://stefanik.house.gov/> (Rep. Elise Stefanik (R-NY), same); <https://stewart.house.gov/> (Rep. Chris Stewart (R-UT), same); <https://wenstrup.house.gov/> (Rep. Brad Wenstrup (R-OH), same); *see also* <https://www.blackstone.com/the-firm/our-offices/> (former Rep. George Holding (R-NC), listing telephone number for Blackstone Group in London).

11. Annexed hereto as **Exhibit H** is a true and correct copy of a document entitled “Plaintiffs’ Third Amended and Supplemental Rule 26(a)(1) Disclosures,” which I received by

email on September 12, 2022.

12. Annexed hereto as **Exhibit I** is a true and correct copy of a September 26, 2022 email from Plaintiffs' counsel, Steven Biss, to Defendants' counsel.

13. None of these 29 persons who are the subject of this Motion were mentioned in any document produced by any party or third party in this case. None have been mentioned in any motion or pleading in this case.

I declare under penalty of perjury that the following is true and correct. Executed this 7th day of October, 2022, in New York, New York.

/s/ Nathaniel S. Boyer
NATHANIEL S. BOYER